

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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-and-

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In Re:

BED BATH & BEYOND INC., et al.,  
Debtors.<sup>1</sup>

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)



Order Filed on August 29, 2023  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**ORDER REGARDING APPLICATION TO SHORTEN TIME PERIOD FOR NOTICE,  
SET HEARING AND LIMIT NOTICE**

The relief set forth on the following pages, numbered two (2) and three (3), is hereby **ORDERED**.

**DATED: August 29, 2023**

\_\_\_\_\_  
Honorable Vincent F. Papalia  
United States Bankruptcy Judge

<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these chapter 11 cases is 650 Liberty Avenue, Union, New Jersey 07083.

Upon review of the application of Neale Das and Gabriel Roston, who represent that they are holders (the "Stockholders") of equity interests in the Common Stock for an objection of the pursuant to Fed. R. Bankr. P. 9006(c)(1) for a hearing on Bed Bath And Beyond Common Stock Equity Interest Holders' Motion (the "Motion") Pursuant To 11 U.S.C. § 105(a), Fed. R. Civ. P. 60(b), And Fed. R. Bankr. P. 9024, for an Order Vacating The Order (I) (A) Conditionally Approving The Adequacy Of The Disclosure Statement, (B) Approving The Solicitation And Notice Procedures With Respect To Confirmation Of The Plan, (C) Approving The Forms Of Ballots And Notices In Connection Therewith, and (D) Granting Related Relief, and the Debtors having filed an Objection thereto, noting that the Application would be on less than 24 hours notice and that the Motion may be treated as an objection to final approval of the Disclosure Statement and confirmation of the Debtors' Plan, it is hereby

**ORDERED** as follows:

1. The application to shorten the time period for hearing on the Motion to less than 24 hours is denied as inconsistent with Due Process and fundamentally unfair and impractical.

2. A hearing will be conducted on the Motion on **September 12, 2023 at 2:30pm** in the United States Bankruptcy Court, for the District of New Jersey, Newark Vicinage, at the Martin Luther King, Jr. Federal Building, 50 Walnut Street, 3rd Floor, Newark, New Jersey 07102, before the Honorable Vincent F. Papalia, United States Bankruptcy Judge, in Courtroom 3B. This is the same date and time as the Hearing on the final approval of Debtor's Disclosure Statement and Confirmation of their Plan and the Motion will be treated as an objection to such final approval and confirmation.

2. The Applicant must serve a copy of this Order, and all related documents, on the following parties: Counsel to the Debtors, Counsel to the Official Committee of Unsecured Creditors, Counsel for the ABL Lenders and DIP Lenders and the U.S. Trustee

by

☒ each,

☐ any of the following methods selected by the Court:

☐ fax,

☒ overnight mail,

☐ regular mail,

☒ email (if known)

☐ hand delivery.

3. The Applicant must also serve a copy of this Order, and all related documents, on the following parties:

by ☐ each, ☐ any of the following methods selected by the Court:

☐ fax, ☐ overnight mail, ☐ regular mail, ☐ email, ☐ hand delivery.

4. Service must be made:

- ☐ on the same day as the date of this order, or
- ☒ within 1 day(s) of the date of this Order.

5. Notice by telephone:

- ☒ is not required
- ☐ must be provided to \_\_\_\_\_
- ☐ on the same day as the date of this Order, or
- ☐ within \_\_\_\_\_ day(s) of the date of this Order.

6. A *Certification of Service* must be filed prior to the hearing date.

7. Any objections to said motion/application identified above:

- ☒ must be filed with the Court and served on the Movants and any other parties in interest by electronic or overnight mail by September 7, 2023.
- ☐ may be presented orally at the hearing.

8. ☒ Court appearances are required to prosecute said motion/application and any objections.
- ☒ Parties may request to appear by phone by contacting Chambers prior to the return date.

In re:  
Bed Bath & Beyond Inc.  
Debtor

Case No. 23-13359-VFP  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Aug 29, 2023

User: admin  
Form ID: pdf903

Page 1 of 23  
Total Noticed: 13

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 31, 2023:

Recip ID	Recipient Name and Address
db	+ Bed Bath & Beyond Inc., 650 Liberty Avenue, Union, NJ 07083-8107
aty	+ Casey McGushin, 3101 Old Jacksonville Road, Springfield, IL 62704-6488
aty	+ Charles B. Sterrett, Kirkland & Ellis, 300 North LaSalle Street, Chicago, IL 60654-5412
aty	+ Derek I. Hunter, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	+ Emily E. Geier, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	+ Jacob E. Black, Kirkland and Ellis LLP, 3101 Old Jacksonville Road, Springfield, IL 62704-6488
aty	+ Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	+ Max M Freedman, Kirkland & Ellis LLP, 300 North LaSalle Street, Chicago, IL 60654-5412
aty	+ Michael A. Sloman, Kirkland and Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	+ Noah Z. Sosnick, Kirkland and Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	+ Olivia F. Acuna, Kirkland and Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	+ Richard U.S. Howell, P.C, KIRKLAND & ELLIS LLP, KIRKLAND & ELLIS INTERNATIONAL LLP, 300 North LaSalle Street, Chicago, IL 60654-5412
aty	+ Ross Fiedler, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643

TOTAL: 13

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 31, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 29, 2023 at the address(es) listed below:

Name	Email Address
------	---------------

District/off: 0312-2

User: admin

Page 2 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

A.J. Webb	on behalf of Creditor Select Consolidated Management LLC awebb@fbtlaw.com
Aaron Applebaum	on behalf of Creditor CR Mount Pleasant LLC aaron.applebaum@us.dlapiper.com, aaron--applebaum--3547@ecf.pacerpro.com
Aaron Applebaum	on behalf of Interested Party Continental Realty Corporation aaron.applebaum@us.dlapiper.com aaron--applebaum--3547@ecf.pacerpro.com
Aaron Applebaum	on behalf of Interested Party WM Sunset & Vine LLC aaron.applebaum@us.dlapiper.com aaron--applebaum--3547@ecf.pacerpro.com
Aaron Applebaum	on behalf of Creditor Ridgeport Limited Partnership aaron.applebaum@us.dlapiper.com aaron--applebaum--3547@ecf.pacerpro.com
Aaron Applebaum	on behalf of Creditor CR West Ashley LLC aaron.applebaum@us.dlapiper.com, aaron--applebaum--3547@ecf.pacerpro.com
Aaron R. Cahn	on behalf of Creditor The Bank of New York Mellon cahn@clm.com CourtMail@clm.com
Alan J. Brody	on behalf of Creditor JPMorgan Chase Bank N.A. brodya@gtlaw.com NJLitDock@gtlaw.com
Alan J. Brody	on behalf of Creditor Alexander's Rego Shopping Center Inc. brodya@gtlaw.com, NJLitDock@gtlaw.com
Albert Anthony Ciardi, III	on behalf of Creditor The Anna Mscisz Trust aciardi@ciardilaw.com sfrizlen@ciardilaw.com;dtorres@ciardilaw.com
Albert Anthony Ciardi, III	on behalf of Interested Party Anna Mscisz Trust aciardi@ciardilaw.com sfrizlen@ciardilaw.com;dtorres@ciardilaw.com
Albert Anthony Ciardi, III	on behalf of Creditor Rainier Colony Place Acquisitions LLC aciardi@ciardilaw.com, sfrizlen@ciardilaw.com;dtorres@ciardilaw.com
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Allen J Barkin	on behalf of Creditor LOGIXAL INC. abarkin@sbmesq.com sandyr@sbmesq.com
Allen Joseph Underwood, II	on behalf of Creditor 12535 SE 82nd AVE LLC aunderwood@litedepalma.com ajunderwood@ecf.courtdrive.com;grodriguez@litedepalma.com
Allyson Stavis	on behalf of Interested Party Nordstrom Inc. astavis@atllp.com
Amish R. Doshi	on behalf of Creditor Oracle America Inc. amish@doshilegal.com
Amy Elizabeth Vulpio	on behalf of Creditor Salesforce.com inc. vulpioa@whiteandwilliams.com
Andrew Braunstein	on behalf of Creditor Commission Junction LLC andrew.braunstein@lockelord.com
Andy Winchell	on behalf of Creditor River Park Properties II LP andy@winchlaw.com, awinchellecf@gmail.com;katharine@winchlaw.com;winchellar94173@notify.bestcase.com
Andy Winchell	on behalf of Creditor Dong Koo Kim and Jong Ok Kim Trustees of the Dong Koo Kim and Jong Ok Kim Family Trust, dated October 18, 1996 andy@winchlaw.com, awinchellecf@gmail.com;katharine@winchlaw.com;winchellar94173@notify.bestcase.com
Angela L Mastrangelo	on behalf of Interested Party Valley Square I L.P. mastrangelo@bk-legal.com, bhoffmann@bk-legal.com
Angela L Mastrangelo	on behalf of Interested Party CTC Phase II LLC mastrangelo@bk-legal.com, bhoffmann@bk-legal.com
Angela L Mastrangelo	on behalf of Interested Party Christiana Town Center LLC mastrangelo@bk-legal.com, bhoffmann@bk-legal.com

District/off: 0312-2

User: admin

Page 3 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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Brett D. Goodman

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Brett D. Goodman

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District/off: 0312-2

User: admin

Page 4 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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District/off: 0312-2

User: admin

Page 5 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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David P. Primack

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David P. Primack

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District/off: 0312-2

User: admin

Page 6 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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Diane Sanders	on behalf of Creditor San Marcos CISD austin.bankruptcy@lgbs.com
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Diane Sanders	on behalf of Creditor VICTORIA COUNTY austin.bankruptcy@lgbs.com
Don Stecker	on behalf of Creditor City of El Paso sanantonio.bankruptcy@lgbs.com
Don Stecker	on behalf of Creditor Bexar County sanantonio.bankruptcy@lgbs.com
Don A. Beskrone	on behalf of Creditor RetailMeNot Inc. DBeskrone@ashbygeddes.com, rpalacio@ashbygeddes.com; snewman@ashbygeddes.com; ahrycak@ashbygeddes.com; gtaylor@ashbygeddes.com; adellose@ashbygeddes.com
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Douglas T Tabachnik	on behalf of Creditor Park West Village Phase I dtabachnik@dtlaw.com rdalba@dtlaw.com
Douglas T Tabachnik	on behalf of Creditor Casto-Oakbridge Venture Ltd dtabachnik@dtlaw.com, rdalba@dtlaw.com
Douglas T Tabachnik	on behalf of Creditor Panama City Beach Venture II dtabachnik@dtlaw.com rdalba@dtlaw.com
Douglas T Tabachnik	on behalf of Creditor Hanes M. Owner LLC and Hanes Z. Owner, LLC, Joint Tenants dtabachnik@dtlaw.com, rdalba@dtlaw.com

District/off: 0312-2

User: admin

Page 7 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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Elliot D. Ostrove

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Eric Horn

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Eric Horn

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Eric S. Chafetz

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District/off: 0312-2

User: admin

Page 8 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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District/off: 0312-2

User: admin

Page 9 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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District/off: 0312-2

User: admin

Page 10 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

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District/off: 0312-2

User: admin

Page 11 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

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District/off: 0312-2

User: admin

Page 12 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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District/off: 0312-2

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Page 13 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

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District/off: 0312-2

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Page 14 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

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Page 15 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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District/off: 0312-2

User: admin

Page 16 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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District/off: 0312-2

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Page 17 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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Page 18 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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Page 19 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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District/off: 0312-2

User: admin

Page 20 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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District/off: 0312-2

User: admin

Page 21 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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District/off: 0312-2

User: admin

Page 22 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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District/off: 0312-2

User: admin

Page 23 of 23

Date Rcvd: Aug 29, 2023

Form ID: pdf903

Total Noticed: 13

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